

## **EXHIBIT #2**

Steve Beebe Deposition

Pages 23-27

Pages 37-38

Page 40

Case No. CV-085-FHS

Page 23

1 Q To stop him from moving towards you  
2 is the only reason you fired the Taser?

3 A No. We were trying to get him  
4 under control and trying to subdue him.

5 Q Why?

6 A We didn't want him to hurt himself.  
7 There were medical personnel to my right  
8 standing close to him, we were worried about  
9 their safety. I was afraid he was going to run  
10 into one of the rooms. There was a lot of  
11 things to consider.

12 Q Why did you think it was a  
13 possibility he might run into a room?

14 A Because he was not in his right  
15 mind, and there was a lot of elderly patients in  
16 that hospital in that area.

17 Q When did you determine he was not  
18 in his right mind?

19 A When he was screaming and yelling.

20 Q You made that decision at that  
21 time?

22 A At that time I determined we needed  
23 to try to do something to subdue him before he  
24 hurt anyone.

25 Q In the video, tell me if I am

Page 24

1 wrong, but we see Mr. Leija walk in his room,  
2 walk away from his room and start walking down  
3 the hall with you, Atnip, and Beebe behind him.  
4 And then walks out of the camera view and we  
5 know he stops and you have a conversation with  
6 him. Why did he stop?

7 MR. ANDERSON: Object to the form  
8 of the question.

9 Q (BY MR. BEAVER) Do you remember  
10 that on the video, him walking out of his room?

11 A I remember seeing that on the  
12 video.

13 Q Do you know why he stopped?

14 A He stop probably because everybody  
15 was talking to him.

16 Q Who was talking to him?

17 A Pickens.

18 Q Do you remember what Pickens said  
19 that would make him stop?

20 A No, sir, I don't remember what he  
21 said.

22 Q Do you have any idea what made him  
23 stop?

24 A No.

25 Q Did he, in fact, tell him to stop?

Page 25

1           A       I don't remember saying to him to  
2       stop. I remember him talking to him, trying to  
3       calm him down.

4           Q       If other witnesses, the medical  
5       personnel say they heard him tell Mr. Leija to  
6       stop, do you disagree with that?

7           MR. ANDERSON: Object to form.

8           THE WITNESS: No, I don't disagree  
9       with what they say, because I don't know.

10          MR. ANDERSON: Object to form.

11          Q       (BY MR. BEAVER) At this point when  
12       he was walking down the hallway from his room,  
13       had he committed any crimes?

14          A       Can you state that question again?

15          Q       When Mr. Leija was just walking  
16       down the hallway away from his room, when you  
17       first saw him, had you seen him commit any  
18       crime?

19          A       No, sir.

20          Q       Had you been told he committed any  
21       crime?

22          A       No, sir.

23          Q       Did he appear to have any weapons?

24          A       No.

25          Q       Did he appear to have any place

Page 26

1 where he could have been hiding any weapons?

2 A No.

3 Q Did you know he was a patient at  
4 the hospital at the time you saw him again?

5 A At the time when I saw him again,  
6 yes.

7 Q Would you have authority as a law  
8 enforcement officer to tell him to stop at that  
9 time as he walked away from his room?

10 A No.

11 Q Do you know what authority Officer  
12 Pickens would have had to tell him to stop,  
13 based upon what you saw?

14 A No.

15 Q Do you agree that he had the right  
16 to leave the hospital at any time if he wanted  
17 to?

18 A Yes.

19 Q At any time before he lost  
20 consciousness, what had you learned about his  
21 medical condition, other than he was a patient  
22 at the hospital?

23 A I didn't know anything about his  
24 medical condition.

25 Q Did you ask anybody?

Page 27

1 A No, sir.

2 Q Why not?

3 A Officer Pickens and Deputy Atnip  
4 were up there talking to him first.

5 Q Would it be important for you to  
6 know what a medical condition was before you  
7 went up to the hospital and shot someone with a  
8 Stinger?

9 MR. ANDERSON: Object to the form.

10 THE WITNESS: Yes.

11 MR. BEAVER: But you didn't know.

12 THE WITNESS: No.

13 Q (BY MR. BEAVER) When was the first  
14 time that you heard officers or anybody tell him  
15 to get on his knees?

16 A The first time probably Deputy  
17 Atnip asked him to do that.

18 Q Was that before he took the ports  
19 out of his arms or his hands?

20 A No.

21 Q Did you see Mr. Leija commit any  
22 crimes at all that night?

23 A When he was slinging the blood  
24 around and progressing towards us.

25 Q Do you believe that was a crime?

Page 37

1           Stinger out?

2           A       Yes.

3           Q       From the time you pulled your  
4           Stinger out up until the time you shoot him with  
5           a Stinger, did you ever retrieve backwards away  
6           if him?

7           A       Yes.

8           Q       How many times?

9           A       I probably took three steps back.  
10          We gave him several commands before I deployed  
11          the Stinger.

12          Q       What crimes do you believe you saw  
13          him commit that night?

14          A       The crime of assault on a police  
15          officer as he was slinging blood at us.

16          Q       Did you see him do that?

17          A       Yes.

18          Q       You believe when you saw him do  
19          that, that's what he was trying to do was sling  
20          blood on you?

21          A       He raised his fists at us, wanted  
22          to fight us.

23          Q       Did you believe he was trying to  
24          sling blood or use his blood as a weapon?

25          A       Yes.

Page 38

1 Q Who was he trying to use his blood  
2 as a weapon against?

3 A The officers.

4 Q Later on that night -- or sometime  
5 later you wrote a statement about what happened?

6 A Yes.

7 Q When did do you that?

8 A I did it after it all happened that  
9 night.

10 Q Who asked you to do that?

11 A No one really asked me. That's  
12 just what we did. That was the policy.

13 Q Did you also talk to police  
14 officers that night?

15 A Yes.

16 Q Did you talk to OSBI agents that  
17 night?

18 A Yes.

19 Q Did you give them a written  
20 statement that night or did you do an interview  
21 with the OSBI agent?

22 A To the best of my memory, I did a  
23 verbal interview with them.

24 Q Have you read that statement?

25 A I have.

Page 40

1           A     I believe Officer Pickens was  
2     talking to him. I won't say he was giving him  
3     orders, he was talking to him and trying to get  
4     him to calm down.

5           Q     Did you tell him to go back to his  
6     room before he pulled the ports out?

7           A     I believe someone told him -- asked  
8     him to go back to his room and they could help  
9     him in there.

10          Q     Did you tell OSBI that you believe  
11     you had seen Mr. Leija commit a crime before  
12     shooting him with your Stinger?

13          A     I don't remember. I honestly don't  
14     remember what I told them.

15          Q     Did you write in your report that  
16     night that you believed you saw Mr. Leija commit  
17     a crime?

18          A     Not to my knowledge.

19          Q     Why not? Would that be important  
20     for you to write?

21          A     The report I did that night about  
22     the incident, you know, was the best I could  
23     remember at that point.

24          Q     I am handing you a copy of the  
25     interview that OSBI conducted with you.